

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Community Affairs Committee

BILL: SB 1980

INTRODUCER: Senator Aronberg

SUBJECT: Violations of County Ordinances

DATE: March 4, 2010

REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|----------|----------------|-----------|------------------|
| 1. | Wolfgang | Yeatman | CA | Favorable |
| 2. | | | EE | |
| 3. | | | CJ | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

I. Summary:

This bill allows any county to enact ordinances imposing standards of conduct and disclosure requirements for the county's officers and employees punishable by a fine of up to \$1,000 or a term of imprisonment in the county jail not to exceed 1 year.

This bill substantially amends section 125.69 of the Florida Statutes.

II. Present Situation:

County Ordinances

The Florida Constitution specifically provides for four types of local governments: counties, municipalities, school districts, and special districts. The 67 counties are subdivisions of the state, and provide a variety of core services through constitutional officers (county commissioners, sheriff, tax collector, property appraiser, supervisor of elections, and clerk of the court) pursuant to authority granted in the constitution and consistent with general law.¹ The Florida Constitution grants local governments broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.² Those counties operating under a county charter have all powers of self-government not inconsistent with general law, or special law approved by the vote of the electors.³ Each county ordinance is required to be filed with the Secretary of State and becomes

¹ Art. VIII, § 1, Fla. Const.

² Art. VIII, § 1(f), Fla. Const.

³ Art. VIII, § 1(g), Fla. Const.

effective at such time as provided by law.⁴ The Florida Constitution further provides that persons violating county ordinances shall be prosecuted and punished as provided by law.⁵

Counties⁶ also have statutory authority to enact ordinances. Section 125.69, F.S., states that violations of county ordinances are to be prosecuted in the same manner as misdemeanors. Such violations must be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney of the state and on conviction will be punished by a fine not to exceed \$500 or by imprisonment in the county jail not to exceed 60 days or by both such fine and imprisonment. However, a county may specify, by ordinance, a violation of a county ordinance which is punishable by a fine in an amount exceeding \$500, but not exceeding \$2,000 per day, if the county must have authority to punish a violation of that ordinance by a fine in an amount greater than \$500 in order for the county to carry out a federally mandated program.

Section 112.326, F.S., makes it clear that the statutory standards proscribing ethics for public officers and employees do not prohibit the governing body of any political subdivision, by ordinance, or agency, by rule, from imposing on its own officers and employees additional or more stringent standards of conduct and disclosure requirements as long as they do not conflict with the statutory provisions.

III. Effect of Proposed Changes:

Section 1 of the bill amends s. 125.69, F.S., to specifically authorize any county to enact ordinances imposing standards of conduct and disclosure requirements for the county's officers and employees punishable by a fine of up to \$1,000 or a term of imprisonment in the county jail not to exceed 1 year.

Section 2 of the bill provides an effective date.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁴ Art. VIII, § 1(i), Fla. Const.

⁵ Art. VIII, § 1(j), Fla. Const.

⁶ Sections 125.66 to 125.69, F.S.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

A county enacting an ordinance under this provision may generate revenues through additional fines. Conversely, the county may lose money by imprisoning violators.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.